

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19658 of 2004

Between:

Surya Chandra Gowd S/o.Pullaiah Gowd
R/o.Komaganikuntla Village Dhone Mandal, Kurnool District.

..... PETITIONER

AND

- 1 The Joint Collector, Kurnool Kurnool Distgrict.
- 2 The Revenue Divisional Officer Kurnool, Kurnool District.
- 3 The Mandal Revenue Officer Dhone Mandal, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings of the 2nd respondent bearing Rc.B.1137/2004 dt.8.10.2004 as illegal void and ultravires of the provisions of A.P. Schedule Commodities (Regulation of Distribution by Card System) order 2001 and consequently direct the respondent herein to restore the authorization of the fair price shop of the petitioner situated in Komaganikuntla Village, Dhone Mandal, Kurnool District.

Counsel for the Petitioner: MR.K.V.CHALAPATHI RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following Order:

Against the impugned order dated 08-10-2004, an alternative remedy is available under the statute by way of appeal before the first respondent-Joint Collector, Kurnool, Kurnool District. Admittedly, the petitioner has already availed the said remedy and the appeal is pending before the first respondent.

In the circumstances, though the learned counsel for the petitioner raised various grounds, assailing the validity of the impugned order of suspension, I am not inclined to express any opinion on merits. Instead, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the application for stay in the appeal filed by the petitioner against the impugned order of suspension dated 08-10-2004, as expeditiously as possible, preferably within a period of one week from the date of receipt of this order. However, learned counsel for the petitioner expressed an apprehension that the respondents are likely to make an appointment of the dealer on permanent basis in respect of the shop in question. It is made clear that no such appointment shall be made, since the impugned order is only an order of suspension pending enquiry.

The writ petition is accordingly disposed of. No costs.

27-10-2004

Note: Issue C.C. by tomorrow.

(B/o)

kdl

To

- 1 The Joint Collector, Kurnool Kurnool Distgrict.
- 2 The Revenue Divisional Officer Kurnool, Kurnool District.
- 3 The Mandal Revenue Officer Dhone Mandal, Kurnool District.
- 4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad, (OUT).
- 5 Two C.D. Copies.